

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON CUNNINGHAM,

Petitioner,

vs.

RICHARD MORGAN,

Respondent.

NO. CV-05-5016-MWL

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
PETITION WITHOUT PREJUDICE

Magistrate Judge Leavitt filed a Report and Recommendation on May 16, 2005, recommending Mr. Cunningham's habeas corpus petition be dismissed without prejudice as unexhausted. There being no objections, the court **ADOPTS** the Report and Recommendation. The Petition is **DISMISSED without prejudice**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner and close the file.

DATED this 13th day of June 2005.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE